

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

Plaintiff,

v.

SAMUEL BOIMA,

Defendant.

DECISION AND ORDER

20-MJ-4136

21-MR-6133

Defendant Samuel Boima has been charged in a Complaint with assaulting several federal officers at the Buffalo Federal Detention Center, in violation of Title 18, United States Code, Section 111(a)(1). Based on the defendant's conduct before the Court and other matters, United States Magistrate Judge Marian W. Payson issued an order for a psychiatric examination as to competency on August 14, 2020 (20-MJ-4136, Dkt. #7) under 18 U.S.C. § 4241.

Defendant was transported and a competency examination was held at the Metropolitan Correctional Center in New York.

A detailed Report concerning defendant's competency to stand trial was prepared by several forensic psychologists in a Report dated October 7, 2020, has been filed with the Court. (20-MJ-4136, Dkt. #9). In that Report, principally authored by Kari M. Schlessinger, Psy.D., Ph.D., a forensic psychologist at the Metropolitan Correctional Center, it was reported that the defendant did suffer from a mental disease or defect and that he does not possess a rational and factual understanding of the proceedings and does not have the capacity to assist his counsel and

therefore is not competent to stand trial at this time. The recommendation was that the defendant be committed for a period for possible restoration to competency under 18 U.S.C. § 4241(d).

Magistrate Judge Payson issued a thorough Report and Recommendation (20-MJ-4136, Dkt. #18; 21-MR-6133, Dkt. #1) summarizing the psychiatric Report and recommended that this District Court determine that the defendant suffers from a mental disease that renders him incompetent to stand trial. The Magistrate Judge further recommended that the defendant be committed to the custody of the Bureau of Prisons for a reasonable period to determine whether there is a substantial probability that in the foreseeable future the defendant will attain the capacity to permit the proceedings to go forward under 18 U.S.C. § 4241(d)(1).

The Government filed its Response to the Magistrate Judge's Report and Recommendation (20-MJ-4136, Dkt. #19; 21-MR-6133, Dkt. #2) stating it had no objection to the report and findings of the Magistrate Judge. Similarly, defendant's assigned counsel filed a Response (20-MJ-4136, Dkt. #20; 21-MR-6133, Dkt. #3) also indicating no objection to the Magistrate Judge's Report and Recommendation.

This Court has reviewed the psychiatric Report from the Metropolitan Correctional Center and agree with its findings.

Therefore, I accept and adopt in full the Magistrate Judge's Report and Recommendation (20-MJ-4136, Dkt. #18; 21-MR-6133, Dkt. #1) that the defendant is now not competent to proceed to trial.

The Court finds that the defendant is presently suffering from a mental disease or defect that renders him unable to rationally understand the nature and consequences of the proceedings against him and to assist properly in his defense; the Court determines that the defendant, SAMUEL BOIMA, is incompetent to stand trial; and that he needs to be committed to the custody

of the Attorney General for a reasonable period not to exceed four months, to determine whether there is a substantial probability that in the foreseeable future he will attain the capacity to stand trial in this case, pursuant to Title 18, United States Code, Section 4241(d)(1); and it is hereby

ORDERED, that the defendant, SAMUEL BOIMA, be hospitalized for treatment at the Metropolitan Correctional Facility in New York or other suitable federal medical facility, pursuant to Title 18, United States Code, Section 4241(d)(1), for a reasonable period of time, not to exceed four months, to determine whether there is substantial probability that in the foreseeable future the defendant will attain the capacity to stand trial, and it is further

ORDERED, that at the conclusion of the hospitalization, the defendant shall be returned to the custody of the United States Marshal, Rochester, New York.

IT IS SO ORDERED.

A handwritten signature in black ink, reading "David G. Larimer". The signature is fluid and cursive, with the first name "David" and last name "Larimer" clearly legible. It is positioned above a horizontal line.

DAVID G. LARIMER
United States District Judge

Dated: Rochester, New York
July 15, 2021.